

IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

Dated this the 4th day of June 1998.

Before

THE HON'BLE MR.JUSTICE KUMAR RAJARATNAM

WRIT PETITION Nos. 17962 & 17963 OF 1996.

Between:

Sri T.Thimmegowda  
S/o Sri Thimmegowda  
44 years, Ex President  
and Present Director  
of MDCC Bank Ltd.,Mandya  
R/at Chandagalu Duddahobli  
Mandya Taluk.

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.. Petitioner in  
(WP.17962/96)

W.P.No.17963/1996

Shri Kempegowda @ Thammanna,  
~~S/o Sri~~ The Director,  
MDCC Bank Ltd.,Mandya  
R/at Hadli Megalapura  
Malavalli Taluk, Mandya Dist. Petitioner.

(By Sri C.M. Basavarya, Advocate)

And:

1. The State of Karnataka by its  
Secretary to the Government  
Co-operative Department  
Vidhana Soudha, Bangalore.
2. The MDCC Bank Ltd.,Mandya  
by its Managing Director  
Mandya.
3. The Returning Officer,MDCC Bank ltd.,  
Mandya Cum- The Asst.Commissioner,  
Mandya Sub-division, Mandya. .. Respondents.

(By Sri V.T. Rayareddy, Advocate for R-2)  
(By Sri B. Veerappa, HCGP)

These Writ Petitions are filed under Articles 226 & 227 of the Constitution of India praying to quash the calendar of events at Annexure 'F' issued by R-3 for the election to the office bearers of R-2 scheduled to be held on 30-6-96.

These Writ Petitions are coming on for Prly. hearing this day, the Court made the following:

O R D E R.

1. Both the writ petitions have been filed challenging the calendar of events at Annexure F' and the election that was to be held on 30-6-1996.
2. The first petitioner in W.P.No.17962/96 is the ex-president and the petitioner in W.P.17963/96 is the director. The interim order passed by this Court was that the election if any, held in the meantime shall remain subject to the result of the writ petition.
3. It is submitted by Mr.Rayareddy, learned counsel for the second respondent that the elections were held and properly elected management is running the bank.
4. The main ground urged by the petitioner is that some Co-operative Banks were not enrolled as members to the second respondent-bank. If the

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petitioners are aggrieved by non-inclusion of the persons ought to have been included as members of the bank, the proper thing for the petitioners to do would be to raise a dispute under section 70 of the Karnataka Co-operative Societies Act.

5. Learned counsel Mr. Basavarya, appearing for the petitioner has submitted that there has been serious irregularities in the voters list and the persons ought to have been the members were not included and the persons ought not to have been members were included.

6. However taking into account that there is an alternative and efficacious remedy available under section 70 of the Co-operative Societies Act, it is open to the petitioners to approach such authority in accordance with law to redress their grievances.

7. With these observations these writ petitions are disposed of. No order as to costs.

Sd/-  
JUDGE

